

a third time, was read a third time by title, and passed.

*Ordered.* That the Clerk request the concurrence of the Senate in said bill.

#### ¶101.25 U.S. CAPITOL POLICE

On motion of Ms. OAKAR, by unanimous consent, the bill of the Senate (S. 1766) relating to the jurisdiction of the United States Capitol Police; together with the following amendment of the Senate to the amendments of the House thereto, was taken from the Speaker's table:

Strike out all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Capitol Police Jurisdiction Act".

#### SEC. 2. TECHNICAL AMENDMENT.

Effective November 5, 1990, section 106(a) of Public Law 101-520 is amended by striking out "(a) The" and inserting in lieu thereof "Section 9 of the".

#### SEC. 3. JURISDICTION OF CAPITOL POLICE.

(a) Section 9 of the Act of July 31, 1946 (40 U.S.C. 212a), is amended to read as follows:

"SEC. 9. (a)(1) The Capitol Police shall police the United States Capitol Buildings and Grounds under the direction of the Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol, and shall have the power to enforce the provisions of this Act and regulations promulgated under section 14 thereof, and to make arrests within the United States Capitol Buildings and Grounds for any violations of any law of the United States, of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto: *Provided*, That the Metropolitan Police force of the District of Columbia is authorized to make arrests within the United States Capitol Buildings and Grounds for any violations of any law of the United States, of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto, but such authority shall not be construed as authorizing the Metropolitan Police force, except with the consent or upon the request of the Capitol Police Board, to enter such buildings to make arrests in response to complaints or to serve warrants or to patrol the United States Capitol Buildings and Grounds.

"(2) The Capitol Police shall have authority to make arrests in that part of the District of Columbia outside the United States Capitol Grounds for any violations of any law of the United States or the District of Columbia, or any regulation promulgated pursuant thereto. The arrest authority of the Capitol Police under this paragraph shall be concurrent with that of the Metropolitan Police force of the District of Columbia.

"(b)(1) For the purpose of this section, the term 'Grounds' includes the House Office Buildings parking areas, and any property acquired, prior to or on or after the date of the enactment of this subsection, in the District of Columbia by the Architect of the Capitol, or by an officer of the Senate or the House of Representatives, by lease, purchase, intergovernmental transfer, or otherwise, for the use of the Senate, the House of Representatives, or the Architect of the Capitol.

"(2) The property referred to in paragraph (1) of this subsection shall be considered 'Grounds' for purposes of this section only during such period that it is used by the Senate, House of Representatives, or the Architect of the Capitol. On and after the date next following the date of the termination by the Senate, House of Representatives, or Architect of the Capitol of the use of any

such property, such property shall be subject to the same police jurisdiction and authority as that to which it would have been subject if this subsection had not been enacted into law."

(b) The authority granted to the Capitol Police by the amendment made by subsection (a) of this section shall be in addition to any authority of the Capitol Police in effect on the date immediately prior to the date of the enactment of this Act.

#### SEC. 4. UNIFIED PAYROLL STUDY.

The Capitol Police Board shall provide for a study to determine the feasibility and desirability of administering payrolls for members of the Capitol Police and civilian support personnel of the Capitol Police on a unified basis by a single disbursing authority. The Capitol Police Board shall report the results of such study, together with its recommendations, to the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives before January 1, 1994.

#### TITLE I—LUMP-SUM PAYMENT PROVISIONS

##### SEC. 101. DEFINITIONS.

For the purpose of this title—

(1) the term "officer" includes all personnel of the rank of lieutenant or higher, including inspector;

(2) the term "member" includes all personnel below the rank of lieutenant, including detectives; and

(3) the term "Clerk of the House of Representatives" or "Clerk" includes a successor in function to the Clerk.

##### SEC. 102. LUMP-SUM PAYMENT FOR ACCUMULATED AND CURRENT ACCRUED ANNUAL LEAVE.

An officer or member of the United States Capitol Police who separates from service within the 2-year period beginning on the date of the enactment of this title and who, at the time of separation, satisfies the age and service requirements for title to an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, shall be entitled to receive a lump-sum payment for the accumulated and current accrued annual leave to which that individual is entitled, but only to the extent that such leave is attributable to service performed by such individual as an officer or member of the Capitol Police.

##### SEC. 103. PROCEDURES.

(a) IN GENERAL.—A payment under this title shall be paid—

(1) in the case of an officer or member whose pay (for service last performed before separation) is disbursed by the Clerk of the House of Representatives—

(A) by the Clerk;

(B) after appropriate certification is made to the Clerk by the Sergeant at Arms of the House of Representatives; and

(C) out of funds available to pay the salaries of officers and members of the Capitol Police whose pay is disbursed by the Clerk; and

(2) in the case of an officer or member whose pay (for service last performed before separation) is disbursed by the Secretary of the Senate—

(A) by the Secretary of the Senate;

(B) after appropriate certification is made to the Secretary of the Senate by the Sergeant at Arms and Doorkeeper of the Senate; and

(C) out of funds available to pay the salaries of officers and members of the Capitol Police whose pay is disbursed by the Secretary of the Senate.

(b) CERTIFICATION.—Any certification under subsection (a)(1)(B) or (a)(2)(B) shall state the total of the accumulated and cur-

rent accrued annual leave, to the credit of the officer or member involved, which may be taken into account for purposes of a computation under subsection (c).

(c) COMPUTATION.—(1) The amount of a lump-sum payment under this title shall be determined by multiplying the hourly rate of basic pay of the officer or member involved by the number of hours certified with respect to such officer or member in accordance with the preceding provisions of this section.

(2) The hourly rate of basic pay of an officer or member shall, for purposes of this title, be determined by dividing 2,080 into the annual rate of basic pay last payable to such officer or member before separating.

(d) TREATMENT AS PAY.—A lump-sum payment under this title shall be considered to be pay for taxation purposes only.

(e) CLARIFICATION.—For purposes of this title, the terms "officer" and "member" may not be construed to include any civilian employee.

#### TITLE II—CITATION RELEASE

##### SEC. 201. BAIL AND COLLATERAL.

(a) ACTING CLERK.—(1) The judges of the Superior Court of the District of Columbia shall have the authority to appoint an official of the United States Capitol Police to act as a clerk of the court with authority to take bail or collateral from persons charged with offenses triable in the Superior Court at all times when the court is not open and its clerks accessible. The official so appointed shall have the same authority at those times with reference to taking bonds or collateral as the clerk of the Municipal Court had on March 3, 1933; shall receive no compensation for these services other than his regular salary; shall be subject to the orders and rules of the Superior Court in discharge of his duties, and may be removed as the clerk at any time by the judges of the court. The United States District Court for the District of Columbia shall have power to authorize the official appointed by the Superior Court to take bond of persons arrested upon writs and process from that court in criminal cases between 4 o'clock post meridian and 9 o'clock ante meridian and upon Sundays and holidays, and shall have power at any time to revoke the authority granted by it.

(2) An officer or member of the United States Capitol Police who arrests without a warrant a person for committing a misdemeanor may, instead of taking him into custody, issue a citation requiring the person to appear before an official of the United States Capitol Police designated under paragraph (1) of this subsection to act as a clerk of the Superior Court.

(3) Whenever a person is arrested without a warrant for committing a misdemeanor and is booked and processed pursuant to law, an official of the United States Capitol Police designated under paragraph (1) of this subsection to act as a clerk of the Superior Court may issue a citation to him for an appearance in court or at some other designated place, and release him from custody.

(4) No citation may be issued under paragraph (2) or (3) unless the person authorized to issue the citation has reason to believe that the arrested person will not cause injury to persons or damage to property and that he will make an appearance in answer to the citation.

(b) PENALTY.—Whoever willfully fails to appear as required in a citation, shall be fined not more than the maximum provided for the misdemeanor for which such citation was issued or imprisoned for not more than 1 year, or both. Prosecution under this paragraph shall be by the prosecuting officer responsible for prosecuting the offense for which the citation is issued.

When on motion of Ms. OAKAR, it was,

*Resolved*, That the House disagree to the amendment of the Senate to the amendments of the House and request a conference with the Senate on the disagreeing votes of the two Houses thereon.

Thereupon, the SPEAKER pro tempore, Mr. MONTGOMERY, by unanimous consent, announced the appointment of Mr. ROSE, Ms. OAKAR, Messrs. PANETTA, THOMAS of California, and ROBERTS, as managers on the part of the House at said conference.

*Ordered*, That the Clerk notify the Senate thereof.

101.26 WHOLESALE DRUG DISTRIBUTION

On motion of Mr. WAXMAN, by unanimous consent, the bill of the Senate (S. 3163) to amend the Federal Food, Drug, and Cosmetic Act to coordinate Federal and State regulation of wholesale drug distribution, and for other purposes; was taken from the Speaker's table.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk notify the Senate thereof.

101.27 VISIONARY ART

On motion of Mr. WILLIAMS, by unanimous consent, the Committee on Education and Labor was discharged from further consideration of the following concurrent resolution of the Senate (S. Con. Res. 81):

Whereas visionary art is the art produced by self-taught individuals who are driven by their own internal impulses to create;

Whereas the visionary artist's product is a striking personal statement possessing a powerful and often spiritual quality;

Whereas prominent among the creators of visionary art are the mentally ill, the disabled, and the elderly;

Whereas there are many museums of visionary art located throughout Europe such as the Art Brut Museum located in Lausanne, Switzerland;

Whereas the American Visionary Art Museum is the first museum in North America to be wholly dedicated to assembling a comprehensive national collection of American visionary art;

Whereas the collection at the American Visionary Art Museum includes film, literature, and research on all fields related to visionary art;

Whereas the American Visionary Art Museum's mission is to increase public awareness of uncommon art produced by individuals in response to extraordinary circumstances;

Whereas the American Visionary Art Museum seeks to remove the stigma associated with disability by illuminating the power of humans to triumph over adversity through creativity;

Whereas the national policy of deinstitutionalization has resulted in the closure of many facilities and the destruction of visionary artwork;

Whereas the American Visionary Art Museum has the support of certain offices of the National Institute of Mental Health and other government agencies in its goal to function as a national repository for works

produced by formerly institutionalized individuals; and

Whereas it is the best interest of the national welfare and all American citizens to preserve visionary art and to celebrate this unique art form: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of the Congress that—

(1) visionary art should be designated as a rare and valuable national treasure to which we devote our attention, support, and resources to make certain that it is collected, preserved, and understood; and

(2) the American Visionary Art Museum is the proper national repository and educational center for visionary art.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk notify the Senate thereof.

101.28 RAILROAD SAFETY AUTHORIZATION

On motion of Mr. SWIFT, by unanimous consent, the bill (H.R. 2607) to authorize activities under the Federal Railroad Safety Act of 1970 for fiscal years 1992 through 1994, and for other purposes; together with the following amendment of the Senate to the amendments of the House to the amendment of the Senate thereto, was taken from the Speaker's table:

Page 27, after line 14, of the House amendment to the Senate amendment to the text of the bill, insert:

SEC. 19. AIRPORT LEASES.

(a) FINDINGS.—Congress finds that—

(1) there are major airports served by an air carrier that has leased a substantial majority of the airport's gates;

(2) the commerce in the region served by such a major airport can be disrupted if the air carrier that leases most of its gates enters bankruptcy and either discontinues or materially reduces service; and

(3) it is important that such airports be empowered to continue service in the event of such a disruption.

(b) BANKRUPTCY RULES REGARDING UNEXPIRED LEASES.—Section 365(d) of title 11, United States Code, is amended by adding at the end the following new paragraphs:

“(5) Notwithstanding paragraphs (1) and (4) of this subsection, in a case under any chapter of this title, if the trustee does not assume or reject an unexpired lease of nonresidential real property under which the debtor is an affected air carrier that is the lessee of an aircraft terminal or aircraft gate before the occurrence of a termination event, then (unless the court orders the trustee to assume such unexpired leases within 5 days after the termination event), at the option of the airport operator, such lease is deemed rejected 5 days after the occurrence of a termination event and the trustee shall immediately surrender possession of the premises to the airport operator; except that the lease shall not be deemed to be rejected unless the airport operator first waives the right to damages related to the rejection. In the event that the lease is deemed to be rejected under this paragraph, the airport operator shall provide the affected air carrier adequate opportunity after the surrender of the premises to remove the fixtures and equipment installed by the affected air carrier.

“(6) For the purpose of paragraph (5) of this subsection and paragraph (f)(1) of this

section, the occurrence of a termination event means, with respect to a debtor which is an affected air carrier that is the lessee of an aircraft terminal or aircraft gate—

“(A) the entry under section 301 or 302 of this title of an order for relief under chapter 7 of this title;

“(B) the conversion of a case under any chapter of this title to a case under chapter 7 of this title; or

“(C) the granting of relief from the stay provided under section 362(a) of this title with respect to aircraft, aircraft engines, propellers, appliances, or spare parts, as defined in section 101 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1301), except for property of the debtor found by the court not to be necessary to an effective reorganization.

“(7) Any order entered by the court pursuant to paragraph (4) extending the period within which the trustee of an affected air carrier must assume or reject an unexpired lease of nonresidential real property shall be without prejudice to—

“(A) the right of the trustee to seek further extensions within such additional time period granted by the court pursuant to paragraph (4); and

“(B) the right of any lessor or any other party in interest to request, at any time, a shortening or termination of the period within which the trustee must assume or reject an unexpired lease of nonresidential real property.

“(8) The burden of proof for establishing cause for an extension by an affected air carrier under paragraph (4) or the maintenance of a previously granted extension under paragraph (7)(A) and (B) shall at all times remain with the trustee.

“(9) For purposes of determining cause under paragraph (7) with respect to an unexpired lease of nonresidential real property between the debtor that is an affected air carrier and an airport operator under which such debtor is the lessee of an airport terminal or an airport gate, the court shall consider, among other relevant factors, whether substantial harm will result to the airport operator or airline passengers as a result of the extension or the maintenance of a previously granted extension. In making the determination of substantial harm, the court shall consider, among other relevant factors, the level of actual use of the terminals or gates which are the subject of the lease, the public interest in actual use of such terminals or gates, the existence of competing demands for the use of such terminals or gates, the effect of the court's extension or termination of the period of time to assume or reject the lease on such debtor's ability to successfully reorganize under chapter 11 of this title, and whether the trustee of the affected air carrier is capable of continuing to comply with its obligations under section 365(d)(3) of this title.”.

(c) PARTIAL ASSIGNMENTS OR ASSUMPTIONS OF LEASES.—Section 365(c) of title 11, United States Code, is amended—

(1) by striking “or” at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting in lieu thereof “; or”; and

(3) by adding at the end the following new paragraph:

“(4) such lease is of nonresidential real property under which the debtor is the lessee of an aircraft terminal or aircraft gate at an airport at which the debtor is the lessee under one or more additional nonresidential leases of an aircraft terminal or aircraft gate and the trustee, in connection with such assumption or assignment, does not assume all such leases or does not assume and assign all of such leases to the same person, except that the trustee may assume or assign less